

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JE* D.C.

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~~THOMAS M. GOULD~~
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

DAVID FOUCAULT and JEANNINE FOUCAULT,
Individually and as Husband and Wife,

Plaintiffs,

VS.

CIV. NO. 04-2988 -D / P

THE LASIK VISION INSTITUTE,
ET AL,

Defendants.

ORDER ALLOWING DISMISSAL WITHOUT PREJUDICE PURSUANT TO
RULE 41 OF THE FEDERAL RULES OF CIVIL PROCEDURE

The Plaintiffs are hereby allowed to dismiss this cause of action without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and Plaintiffs retain the right to refile this Cause pursuant to the Tennessee Saving Statute, T.C.A. 28-1-105, within one year from the date of the entry of this Order.

IT IS THEREFORE, ORDERED, ADJUGED AND DECREED:

1. The Plaintiffs be and are hereby allowed to dismiss this cause of action without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure with Plaintiffs retaining the right to refile this cause of action pursuant to the Tennessee Saving Statute, T.C.A. 28-1-105, within one year from the date of the entry of this Order.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on *11/16/05*

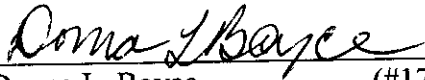
James J. Donald
JAMES J. DONALD
United States Magistrate Judge
Entered: 11-9-2005

(33)

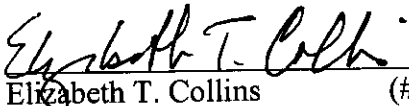
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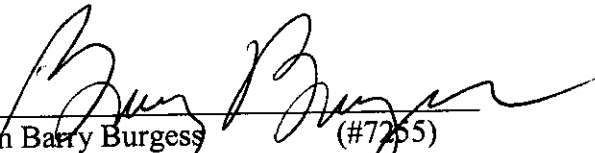
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Notice of Distribution

This notice confirms a copy of the document docketed as number 33 in case 2:04-CV-02988 was distributed by fax, mail, or direct printing on November 16, 2005 to the parties listed.

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Honorable Bernice Donald
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